

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN THE MATTER OF THE	§	
COMPLAINT AND PETITION OF	§	4:24-cv-02540
DANAOS SHIPPING CO., LTD.	§	NOTICE OF CLAIM
AND SPEEDCARRIER (NO. 3) CORP.	§	
AS OWNERS AND/OR OPERATORS,	§	
OF THE M/V STRIDE	§	HABIBU OTHMAN KHAMIS
EXONERATION FROM OR	§	
LIMITATION OF LIABILITY	§	

**HABIBU OTHMAN KHAMIS' ANSWER TO COMPLAINT FOR EXONERATION
FROM AND/OR LIMITATION OF LIABILITY**

Respondent Habibu Othman Khamis files this Answer to Limitation Petitioner's Complaint for Exoneration from and/or Limitation of Liability and would respectfully show this Court as follows:

1. FIRST DEFENSE

1.1 The Complaint fails to state a claim or cause of action upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. SECOND DEFENSE

2.1 The limitation fund is inadequate, and the Complaint should be dismissed, because Petitioner has failed to deposit adequate security equal to the value of the vessel, plus pending freight; accordingly Respondent challenges and reserves the right to file an exception contravening the value of the vessel as alleged in Petitioner's Complaint.

2.2 Respondents further reserves the right to request, under Rule F (1) and (7) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, that the Court causes due appraisal to be made of the value of the vessel and its pending freight.

3. THIRD DEFENSE

3.1 Petitioner cannot limit its liability because the Subject Incident was proximately caused by the negligence of Petitioner and its principals, agents, servants, and/or employees.

3.2 Petitioner cannot limit its liability because the Subject Incident was a direct and proximate result of unseaworthy conditions existing on board the vessel which occurred with the privity and knowledge of Petitioner, its principals, agents, servants, and/or employees.

4. ANSWER

Subject to and without waiving his defenses, Respondents answer the specific numbered paragraphs of Danaos's Complaint as follows:

- 4.1 Respondent admits to the jurisdictional allegations in Paragraph 1.
- 4.2 Respondent admits to the information contained in Paragraph 2.
- 4.3 Respondent admits to the venue allegations in Paragraph 3.
- 4.4 Respondent cannot admit or deny the information contained in Paragraph 4.
- 4.5 Respondent cannot admit or deny the information contained in Paragraph 5.
- 4.6 Respondent cannot admit or deny the information contained in Paragraph 6.
- 4.7 Respondent denies the information contained in Paragraph 7.
- 4.8 Respondent admits to the information contained in Paragraph 8.
- 4.9 Respondent admits to the information contained in Paragraph 9.
- 4.10 Respondent admits to the information contained in Paragraph 10.
- 4.11 Respondent admits to the information contained in Paragraph 11.
- 4.12 Respondent admits to the information contained in Paragraph 12.
- 4.13 Respondent cannot admit or deny the information contained in Paragraph 13.
- 4.14 Respondent cannot admit or deny the information contained in Paragraph 14.
- 4.15 Respondent cannot admit or deny the information contained in Paragraph 15.

- 4.16 Respondent cannot admit or deny the information contained in Paragraph 16.
- 4.17 Respondent cannot admit or deny the information contained in Paragraph 17.
- 4.18 Respondent cannot admit or deny the information contained in Paragraph 18.
- 4.19 Respondent cannot admit or deny the information contained in Paragraph 19.
- 4.20 Respondent cannot admit or deny the information contained in Paragraph 20.
- 4.21 Respondent denies the information contained in Paragraph 21.
- 4.22 Respondent cannot admit or deny the information contained in Paragraph 22.
- 4.23 Respondent denies the information contained in Paragraph 23.
- 4.24 Respondent cannot admit or deny the information contained in Paragraph 24.
- 4.25 Respondent cannot admit or deny the information contained in Paragraph 25.
- 4.26 Respondent cannot admit or deny the information contained in Paragraph 26.
- 4.27 Respondent cannot admit or deny the information contained in Paragraph 27.
- 4.28 Respondent cannot admit or deny the information contained in Paragraph 29.
- 4.29 As to Petitioner's "Prayer", Respondent requests that Petitioner's claim be denied in its entirety.

DATED this 6th day of September 2024.

[signature subsequent in next page]

Respectfully submitted,

ROBERTS MARKLAND LLP

/s/Anjali Sharma

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an email notification of this filing to all registered parties.

/s/ Anjali Sharma

Anjali Sharma